

REMARKS

Claims 1–21 are pending in the application. By this amendment, claim 12 is amended.

The Office Action rejects claim 12 under 35 USC 112. It is submitted that the amendment obviates the rejection. Withdrawal of the rejection is requested.

The Office Action rejects claims 1-3, 8, 11 and 17 under 35 USC 102 over Tsuzuki (US Pat. 6,176,208), rejects claims 1, 2, 4 and 17 under 35 USC 102 over DE 689 02 346, rejects claims 1-3, 5, 9, 10, 12, 17 and 19-21 under 35 USC 102 over Hatano (US Pat. 6,237,550), rejects claims 1-3, 6-8, 11, 17 and 18 under 35 USC 102 over EP 0 796 981, and rejects claims 1-3, 6-8, 11 and 13-18 under 35 USC 102 over JP 2001 126922. These rejections are respectfully traversed.

Independent claims 1 and 17 of the application recite an electromagnet integrated with a retainer member (or retention means) so as to form an assembly. In contrast, Tsuzuki discloses lower and upper solenoid 51, 52 (which corresponds to the recited electromagnet) are held in a cylindrical spacer 7 which is fixedly disposed in a housing 3. See col. 4, lines 35-37. Tsuzuki shows in Fig. 1 that the outer periphery surfaces of the solenoids contact the inner periphery surfaces of the spacer, however they are not integrated with a retainer member as required by claims 1 and 17 of the application. Accordingly, Tsuzuki does not anticipate claims 1 or 17, or any of the dependent claims.

DE 346 is subject to a fuel injection valve, not an intake or exhaust valve. Thus, DE 346 does not disclose an armature, as recited in claims 1 and 17, which is a necessary element for the intake or exhaust valve. Accordingly, DE 346 does not anticipate claims 1 or 17, or any of the dependent claims.

Hatano discloses that first and second electromagnets 5, 6 are held in a housing (Fig. 1). Hatano does not disclose that an electromagnet is integrated with any members such as a retainer member as required by claims 1 and 17. Accordingly, Hatano does not anticipate claims 1 or 17, or any of the dependent claims.

Claim 19 of the application recites a reservoir portion capable of holding a fluid that flows on an upper surface of the upwardly disposed electromagnet or an upper surface of the assembly during a non-operation state of the armature. In contrast, Hatano merely discloses an oil supply port 30 for supplying oil into cylinder 29 and an oil passage 31 connected to the oil supply port. See col. 6, lines 43-60. The oil supply passages 12 which supply oil to solenoid coils 10 are merely a path through which oil flows (see col. 5, lines 58-64), and are not a reservoir portion holding a fluid as recited in claim 19. Further, neither of oil passage 12 nor oil passage 31 of Hatano is provided on an upper surface of the electromagnet or the assembly composed of the electromagnet, as required by claim 19. Accordingly, Hatano does not anticipate claims 19, or any of the dependent claims.

Claim 21 of the application recites that the at least one electromagnet that contacts the mounting surface is disposed with a predetermined clearance from a side wall of the recess portion.

In contrast, Hatano discloses that oil supply passages 12 are defined in the outer yokes 9 of the electromagnets 5, 6. In the valve of Hatano, a clearance is not provided between the electromagnets and the housing. Accordingly, Hatano does not anticipate claim 21.

EP 981 does not disclose an electromagnet integrated with a retainer member (or retention means) so as to form an assembly. Accordingly EP 981 does not anticipate claims 1 or 17, or any of

the dependent claims. Claim 18 recites a predetermined opening angle is formed between lengthwise axes of the two assemblies. In contrast, EP 981 does not disclose a predetermined opening angle is formed between lengthwise axes of the electromagnets 5.

JP 922 discloses electromagnets 1b and an armature 8 as components of the valve, and that they are positioned by retaining them to a housing 1a. JP 922 does not disclose an electromagnet integrated with a retainer member (or retention means) so as to form an assembly, as required by claims 1 and 17. Accordingly, JP 922 does not anticipate claims 1 or 17, or any of the dependent claims. Further, JP 922 does not disclose a predetermined opening angle is formed between lengthwise axes of the electromagnets 1b, and therefore does not anticipate claim 18.

For at least the above reasons, it is submitted that the application is in condition for allowance. Prompt consideration and allowance are solicited.

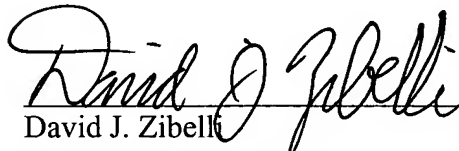
The Office is authorized to charge any fees due under 37 C.F.R. §1.16 or 1.17 to Deposit Account No. 11-0600.

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Should there be any questions, the Examiner is invited to contact Applicants' undersigned attorney.

Respectfully submitted,

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